

<p>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-1(b) Robert J. Feinstein, Esq. (admitted <i>pro hac vice</i>) Bradford J. Sandler, Esq. Judith Elkin, Esq. (admitted <i>pro hac vice</i>) Hayley R. Winograd, Esq. (admitted <i>pro hac vice</i>) PACHULSKI STANG ZIEHL & JONES LLP 780 Third Avenue, 34th Floor New York, NY 10017 Telephone: (212) 561-7700 Facsimile: (212) 561-7777 rfeinstein@pszjlaw.com bsandler@pszjlaw.com jelkin@pszjlaw.com hwinograd@pszjlaw.com</p> <p><i>Counsel to the Plan Administrator / Appellee</i></p>	
<p>In re:</p> <p>BED BATH & BEYOND INC., <i>et al.</i>,¹</p> <p>Debtors.</p>	<p>Chapter 11</p> <p>Case No. 23-13359 (VFP)</p> <p>(Jointly Administered)</p>

APPELLEE’S SUPPLEMENTAL DESIGNATION OF RECORD ON APPEAL

Michael Goldberg, as Plan Administrator (the “Plan Administrator” or “Appellee”)² pursuant to Rule 8009(a)(2) of the Federal Rules of Bankruptcy Procedure, hereby submits its supplemental designation of items to be included in the record in the appeal filed by Neelay Das and Gabriel Rostom (“Appellants”) from the *Findings of Fact, Conclusions of Law, and Order (I) Approving the Disclosure Statement on a Final Basis and (II) Confirming the Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates* [[Docket No. 2172](#)]

1 The last four digits of Debtor Bed Bath & Beyond Inc.’s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor’s tax identification number may be obtained on the website of the Debtor’s proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>.
 2. The Plan Administrator has been appointed pursuant to the Debtors’ Plan, as defined herein. The Plan Administrator is responsible for and has the authority to administer various post-confirmation responsibilities under the Plan on behalf of the Wind-Down Debtors (as defined in the Plan).

entered by the United States Bankruptcy Court for the District of New Jersey on September 14, 2023 in the above-styled bankruptcy proceeding (the “Bankruptcy Case”). Appellee respectfully reserves the right to supplement and/or amend the record on appeal designated herein.

I. Supplemental Items from the Docket in the Bankruptcy Case

Appellee designates the following additional items from the docket in the Bankruptcy Case, in addition to the items previously designated by the Appellants:

<u>Date</u>	<u>Docket No.</u>	<u>Description</u>
Documents Filed in Bankruptcy Case		
07/21/2023	1439	Application for Order Shortening Time Period for Notice
07/24/23	1473	Order Shortening Time Period for Notice
08/29/2023	2086	Limited Objection of the U.S. Securities and Exchange Commission to Final Approval of the Debtors' Disclosure Statement and Confirmation of the Chapter 11 Plan of Reorganization of Bed Bath and Beyond and Its Debtor Affiliate
09/05/2023	2123	Limited Objection of the United States Trustee to the Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates
09/07/2023	2134	Debtors' Memorandum of Law in Support of (I) Approval of the Disclosure Statement on a Final Basis and (II) Confirmation of the Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates
09/08/2023	2136	Findings of Fact, Conclusions of Law, and Order (I) Approving the Disclosure Statement on a Final Basis and (II) Confirming the Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates
09/08/2023	2139	Declaration of Holly Etlin in Support of (I) Final Approval of the Disclosure Statement and (II) Confirmation of the Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates
09/29/2023	2311	Notice of (I) Entry of the Order (A) Approving the Disclosure Statement on a Final Basis and (B) Confirming the Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates and (II) Occurrence of Effective Date
10/27/2023	2631	Declaration of Michael Goldberg as Plan Administrator in Support of Objections of Plan Administrator to (I) Emergency

<u>Date</u>	<u>Docket No.</u>	<u>Description</u>
		Motion of Common Stock Equity Interest Holders for Certification of Direct Appeal to the United States Court of Appeals for the Third Circuit and (II) Emergency Motion of Common Stock Equity Interest Holders For Stay and Associated Relief Pending Appeal Pursuant to Fed. R. Bankr. P. 8013(d) and 8007
Transcript in Bankruptcy Case		
09/14/2023	2175	***RESTRICTED*** Transcript regarding Hearing Held 09/12/23 (related document: 1690 Disclosure Statement filed by Debtor Bed Bath & Beyond Inc., 1716 Order Conditionally Approving Disclosure Statement, 2068 Motion to Vacate filed by Interested Party Gabriel Rostom, Stockholder Gabriel Rostom, Stockholder Neelay Das). The transcript may be viewed at the Bankruptcy Court Clerk's Office. For information about how to contact the transcriber, call the Clerk's Office. Notice of Intent to Request Redaction Deadline Due By 9/21/2023. List of Items to be Redacted Due By 10/5/2023. Redacted Transcript Submission Due By 10/16/2023. Remote electronic access to the transcript will be restricted through 12/13/2023. (J&J Court Transcribers) REVISED TRANSCRIPT FILED, SEE DOCUMENT # 2280. Modified on 9/25/2023 (Primo, Mariela). (Entered: 09/14/2023)

Appellee reserves the right to designate additional items depending on the arguments made by Appellants on appeal.

Dated: December 18, 2023

/s/ Bradford J. Sandler

Robert J. Feinstein, Esq. (admitted *pro hac vice*)
Bradford J. Sandler, Esq.
Judith Elkin, Esq. (admitted *pro hac vice*)
Hayley R. Winograd, Esq. (admitted *pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
780 Third Avenue, 34th Floor
New York, NY 10017
Telephone: (212) 561-7700
Facsimile: (212) 561-7777

Counsel to the Plan Administrator / Appellee